P.R. No. 2599/06
Presented by Shri P. Kenedy
Dated 08/9/06

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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

SECOND APPEAL No. 395 /2006 Single Bench

APPELLANT
Defendant

Moyeez Ahmed, aged about 38 years, S/o Late Mohd. Sharif, By Caste Musalmaan, R/o Bus Stand, Main Road, Tahsil and Distt. Korba

VERSUS

RESPONDENT
Plaintiff

Teemanlal aged about 40 years, S/o Jarharam Sao, By Caste Sahu, R/o Purani Basti, Distt. Korba

SECOND APPEAL UNDER SECTION 100 OF THE CODE OF CIVIL PROCEDURE 1908

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..SA.395./06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	23.11.2006 Shri Parag Kotecha, learned counsel for the appellant. Shri Sri Kumar Agrawal, learned Senior Advocate with Shri Anand Kumar Gupta, counsel for respondent/plaintiff. Shri Parag Kotecha, learned counsel for the appellant seeks permission to withdraw this Second Appeal with liberty to file an application/objection before the Executing Court on the ground that the plaintiff had filed the suit for eviction while pleading that the suit accommodation was situated on Kh.No.997/2 whereas the defendant/appellant is actually in possession of accommodation situated on land Khasra Nos. 995/1 & 996/3 and is not in possession of any accommodation situated on land Khasra No. 997/2. Shri Sri Kumar Agrawal, learned Senior Advocate for the respondent/plaintiff does not have any objection in grant of aforesaid liberty. Reserving the aforesaid liberty, this Second Appeal is dismissed as withdrawn. No order as to costs. Consequently, M.C.P. No. 1622/2006 for grant of stay stands disposed of. **Sd/-** **Dilip Raosaheb Deshmukh** **Judge**	

P.T.O.